

## Postal Regulatory Commission

Washington, D.C. 20268-0001

### NOTICE OF FILING UNDER 39 U.S.C. § 404(d)

TO THE UNITED STATES POSTAL SERVICE:

Please take notice that on September 21, 2011, the Commission received a petition for review and application for suspension of the Postal Service's determination to close the Clarksville post office located in Clarksville, New York. The petition for review was filed online by Peter Henner, et al. (Petitioner).

This notice is advisory only and is being furnished so that the Postal Service may begin assembling the administrative record in advance of any formal appeal proceedings held upon the alleged (closing/consolidation) for transmittal pursuant to 39 CFR § 3001.113(a) (requiring the filing of the record within 15 days of the filing with the Commission of a petition for review). The Postal Service's administrative record is due no later than October 6, 2011.



Shoshana M. Grove  
Secretary

Date: September 22, 2011

Attachment

9/20/11-81

Postal Regulatory Commission  
Submitted 9/21/2011 4:11:51 PM  
Filing ID: 75960  
Accepted 9/21/2011

**BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON D.C. 20268-001**

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TOWN OF NEW SCOTLAND,  
LAW OFFICES OF PETER HENNER,  
CLARKSVILLE HISTORICAL SOCIETY,  
ONESQUETHAW UNION CEMETERY ASSOCIATION, INC.,  
JOSEPH T. HOGAN APPLIANCE AND ELECTRIC SERVICE,  
DAN SMITH, as proprietor of JAKE MOON RESTAURANT,  
MARILYN MILES, as Membership Chair of the EASTERN  
COMPETITIVE TRAIL RIDE ASSOCIATION, JUNE  
ALBERTS, PATRICIA AUGLE, DAWN BALDWIN,  
JOAN BANGERT, WANDER and PHYLLIS BRAGA,  
MARY COLLINS, CAROL COOTWARE, NEVADA  
DANCKERT, PAMELA FOX-FERRO and FRANCIS FERRO,  
JUDY GROSE-JOHNSON, BARBARA and VICTOR HANSEN,  
JEAN HOAGLAND, MARIE and WILLIAM HORNICK,  
JEANNETTE KEFALANT, ANTHONY and CAROL LATHAM,  
EDWINA LEVERONI, DONNA MARTIN, JOAN PLUNKETT,  
GEORGE E PETRUSKA JR., GRACE and GEORGE  
PETRUSKA, ROGER SMITH, GEOFFREY STEIN, BLANCHE  
and RICHARD STICKLEY, MINNIE TURNER,

Petitioners,

**Petition to review  
determination to close  
Post Office**

**Motion to suspend  
determination to close  
Post Office until  
disposition of appeal**

-against-

UNITED STATES POSTAL SERVICE,

Respondent.

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Peter Henner, a petitioner in the above-captioned proceeding, on behalf of himself and all petitioners, respectfully alleges as follows:

## Introduction

1. This is an appeal from the final determination of the United States Postal Service ("USPS") to close the Clarksville New York Post Office (Docket Number 1358213-12041). This determination was posted in the Clarksville Post Office on August 23, 2011, and a copy of this determination is annexed hereto as Exhibit A. This petition is filed pursuant to 39 U.S.C. § 404 and its implementing regulation 39 CFR Part 3001.<sup>1</sup>
2. Petitioners are also seeking to "suspend the effectiveness of the determination of the Postal Service [to close the Clarksville Post Office] until the final disposition of the appeal." 39 U.S.C. § 404 (d) (5). Absent such a determination, the Postal Service has the legal authority to close the Clarksville Post Office 60 days after its written determination, or on or after October 22, 2011.
3. As described below, the Postal Regulatory Commission should overturn the determination of the USPS to close the Clarksville Post Office because it is "arbitrary capricious [and] an abuse of discretion" and is "unsupported by substantial evidence on the record" (39 U.S.C. § 404 (d) (5) (A) and (C)).
4. In particular, the USPS has failed to meet its statutory obligation to consider 1) the effect of the closing of the Post Office on the Clarksville community and 2) whether such closing is consistent with the congressional policy, stated in 39 U.S.C. § 101 (b), "that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining."

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<sup>1</sup> The provisions of § 3001 were last amended on July 21, 1993. However, § 404 has been amended twice since the final amendment of the regulations, and the regulatory references to subsections of the statute have not been updated.

### **Petitioners**

5. Petitioners in this proceeding include the Town of New Scotland ("the Town"), 6 local businesses and civic organizations, and 31 individual petitioners. All of the businesses and individual petitioners are served by the Clarksville Post Office and the Town asserts the interest of individual residents of the Town who are served by the Clarksville Post Office under the doctrine of *parens patriae*.

### **The Town**

6. The Town of New Scotland is a municipal corporation located in Albany County, State of New York, and has approximately 8650 residents. The hamlet of Clarksville is entirely within the boundaries of the Town of New Scotland, and is located in the southwestern portion of the Town.

### **Businesses and civic organizations**

7. The Law Offices of Peter Henner are physically located at 60 Scutt Rd., Feura Bush, NY 12067. Petitioner Peter Henner uses route delivery for personal mail, but maintains a post office box in the Clarksville Post Office and relies upon the Clarksville Post Office for all mail services pertaining to his full-time law practice.
8. The Clarksville Historical Society maintains a post office box at the Clarksville Post Office.
9. The Onesquethaw Union Cemetery Association, Inc. maintains a post office box at the Clarksville Post Office.
10. Joseph T. Hogan Appliance and Electric Service, Inc. maintains a post office box at the Clarksville Post Office.

11. Jake Moon Restaurant is physically located at 2082 Delaware Tpke., Clarksville. The restaurant's proprietor, Daniel Smith, maintains a post office box at the Clarksville Post Office.
12. Marilyn Miles, the Membership Chair of the Eastern Competitive Trail Ride Association, maintains a post office box for the Association, listed on its website, at the Clarksville Post Office.

### **Individuals**

13. June Alberts maintains a post office box at the Clarksville Post Office.
14. Patricia Augle resides at 1968 Delaware Ave, Clarksville and maintains a post office box at the Clarksville Post Office.
15. Dawn Baldwin resides at 2002 Delaware Tpke., Clarksville and maintains a post office box at the Clarksville Post Office.
16. Joan Bangert resides at 10 Olive Street, Clarksville and maintains a post office box at the Clarksville Post Office.
17. Wander and Phyllis Braga reside at 748 Dunbar Hollow Rd., Voorheesville and maintain a post office box at the Clarksville Post Office.
18. Mary Collins resides at 2004 Delaware Tpke., Clarksville and maintains a post office box at the Clarksville Post Office.
19. Carol Cootware resides at 2041 Delaware Tpke, Clarksville and maintains a post office box at the Clarksville Post Office.
20. Nevada Danckert resides at 47 Olive Street, Clarksville and maintains a post office box at the Clarksville Post Office.

21. Pamela Fox-Ferro and Francis Ferro reside at 1932 Delaware Tpke., Clarksville and maintain a post office box at the Clarksville Post Office.
22. Judy Grose-Johnson resides at 1774 Tarrytown Rd., Feura Bush, and maintains a post office box at the Clarksville Post Office.
23. Barbara and Victor Hansen reside at 27 Hart Terrace, Clarksville and maintain a post office box at the Clarksville Post Office.
24. Pamela Fox-Ferro and Francis Ferro reside at 1932 Delaware Tpke., Clarksville and maintain a post office box at the Clarksville Post Office.
25. Jean Hoagland resides at 1045 Clarksville South Rd, Clarksville and maintains a post office box at the Clarksville Post Office.
26. Anthony and Carol Latham reside at 1972 Delaware Tpke., Clarksville and maintain a post office box at the Clarksville Post Office.
27. Edwina Leveroni resides at 1886 Delaware Tpke., Delmar and maintains a post office box at the Clarksville Post Office.
28. George E Petruska Jr. resides at 20 Verda Ave, Clarksville and maintains a post office box at the Clarksville Post Office.
29. Grace and George Petruska reside at 28 Verda Ave, Clarksville and maintain a post office box at the Clarksville Post Office.
30. Roger Smith resides at 15 Olive Street, Clarksville and maintains a post office box at the Clarksville Post Office.
31. Geoffrey Stein resides at 2 Slingerlands Ave, Clarksville and maintains a post office box at the Clarksville Post Office.

32. Blanche and Richard Stickley reside at 1055 Clarksville South Rd., Clarksville and maintain a post office box at the Clarksville Post Office.
33. Minnie Turner resides at 1960 Delaware Tpke., Clarksville and maintains a post office box at the Clarksville Post Office.
34. Jeannette Kefalant resides at 1793 Tarrytown Rd., Feura Bush and uses the Clarksville Post Office for postal services.
35. Donna Martin resides at 2436 Delaware Tpke., Voorheesville and uses the Clarksville Post Office for postal services.
36. Joan Plunkett resides at 2442 Delaware Tpke., Voorheesville and uses the Clarksville Post Office for postal services.

### **Community opposition to closure**

37. In April 2011, the community was notified of the possible closure of the Clarksville Post Office. The USPS circulated questionnaires pertaining to the services offered by and at the Clarksville Post Office, by placing them in the 214 post office boxes that have been rented at the Post Office, and making them available at the Post Office to members of the public.
38. The responses on the 97 questionnaires that were returned indicated that the community was bitterly opposed to the possible closing of the Clarksville post office.
39. On May 2, 2011, the USPS conducted a meeting at the Clarksville Community Church, to answer questions about the process and possible closing of the Clarksville Post Office.
40. Several issues were repeatedly raised by members of the community at that meeting:

- a. the hardships that would be caused by requiring members of the community who were dependent upon post office boxes to travel, on average, an additional 5 miles one way to the Feura Bush Post Office,
- b. the lack of security involved in delivery to mailboxes located in rural areas and the need, especially for businesses, to have a secure mail facility,
- c. the general impact on local businesses, including businesses that rely upon the post offices for large mailings, sending and receiving certified mail, and the impacts of having to change addresses and reprint stationery, and
- d. the impact upon the community caused by the loss of a post office, as measured by the reduction in social interaction, loss of community identity as a result of losing its own post office, and the cumulative impacts caused by the possible closure of the post office together with the recent closing of the Clarksville Elementary School.

41. According to the USPS sign-in sheet, 63 individuals attended the meeting. The overwhelming majority of the people who attended the meeting urged that the Post Office not be closed, and described, in detail, the adverse impacts would occur if the Post Office was closed.

42. The USPS received additional comments and questionnaires during the 60 day notice period from May 17 through July 18, 2011. These comments almost unanimously reiterated the community's opposition to the proposal to close the post office and to replace it with a rural route service.



### **Impacts of the closures upon the Clarksville community**

43. The hamlet of Clarksville is an urbanized center of a rural community, located in the southwestern portion of the Town of New Scotland.
44. In 2008, Clarksville celebrated its 175th birthday.
45. In 1832, the Town of New Scotland separated from the Town of Bethlehem. At the time, the Bethlehem Post Office, which had been established in 1812, was located in Clarksville.
46. When the Town of New Scotland was separated from the Town of Bethlehem, the name of the Bethlehem Post Office was changed to Clarksville. The Clarksville Post Office has been continuously in operation from 1832 to the present.
47. The Clarksville Historical Society, one of the petitioners in this proceeding, is preparing to have a special pictorial cancellation for the hoped-for 200th anniversary of the Clarksville Post Office, in June 2012.
48. Since 1832, the hamlet of Clarksville has been the home of numerous businesses including medical offices, legal offices and other professional services, an occasional boardinghouse, and several churches.
49. Today, in 2011, there is still an active business community in Clarksville. Specifically, the following businesses: J&S Auto, Superior Oil, Qwix Mart and Jake Moon Restaurant (the proprietor Dan Smith is one of the petitioners in this proceeding), are located on the main street of Clarksville, in close proximity to the Post Office.
50. In addition, Clarksville is home to several other businesses: Joseph T. Hogan Appliance and Electric Service (a petitioner in this proceeding), Master Seal of Albany, Matt's Sons Industrial, Helderberg Siding, Dunston Painting, Susan Dee Associates, Meadowbrook

Farms, Canon Law Professionals, and the Law Offices of Peter Henner (a petitioner in this proceeding).

51. In addition to businesses, there are several not-for-profit and community organizations that rely upon the Clarksville Post Office, including the Onesquethaw Volunteer Fire Company, the Onesquethaw Union Cemetery Association, the Eastern Competitive Trail Ride Association (a petitioner in this proceeding), the Clarksville Historical Society (a petitioner in this proceeding), the Anam Duan-Fracisian Ecology Center, and the Clarksville Community Church.
52. All of these organizations rely upon the services of the Clarksville Post Office. Most of these businesses maintain post office boxes at the Clarksville Post Office.
53. Businesses that have been long established rely upon the fact that they have had a continuous address; the loss of the Clarksville P.O. Box address will have negative impacts upon their business. In addition, businesses will be required to spend thousands of dollars to print new stationery and bank checks and to advise clients, customers, vendors and professional and business contacts of their new addresses.
54. Businesses, civic organizations and individuals will be required to spend a significant amount of time and money changing their addresses on legal documents. Certificates of Incorporation, addresses to receive official notices, deeds, wills, drivers licenses, and many other document will have to be changed. In the case of real property documents and some notifications, members of the community may need the assistance of attorneys to prepare and file the necessary documents.
55. Furthermore, rural route service is not a viable option for many of these businesses. Those businesses and organizations which are not located in downtown Clarksville

cannot be served by mail boxes on deserted rural routes for reasons of security.

Businesses may receive valuable documents, including confidential communications, money, and packages that cannot be left outside for extended periods of time. In addition, businesses are more likely to receive mail that may require a signature and, especially in the case of small businesses and not-for-profit organizations that do not have full-time staff people available when mail is delivered, it may be impracticable to receive mail requiring a signature without extended delays.

56. Furthermore, organizations are frequently required to send out large quantities of mail.

For example, the Clarksville Historical Society, a not-for-profit organization, mails a large newsletter four times a year, and sends a variety of mailings to its members.

57. The Law Offices of Peter Henner frequently mails bulky documents, including court papers, which need to be weighed before mailing, certified mail, and other mail that requires the assistance of an actual Post Office.

58. Many individuals also rely upon the security of a post office box. For these individuals, as for the businesses, rural route service is not a viable alternative.

59. Rural route service is also not a viable alternative for many individuals. Many individuals receive checks that should not be placed in rural boxes for security reasons or because the contents of the packages are perishable. Three petitioners, Marie and William Hornick and 84 year old Blanche Stickley, receive medications by mail and these medications can not be safely left outside, especially in subfreezing or extremely hot weather.

60. The average user of the Clarksville Post Office will need to travel an additional five miles per day to access mail at the Feura Bush Post Office. This will be a significant hardship for many people, especially senior citizens who do not drive.
61. The five miles between the Clarksville and Feura Bush Post Offices are on roads which can be especially difficult in wet or snowy weather. Part of the route is on Town roads, which are the last to be cleared during snowstorms. The part of the route that is on State Route 32 has several dangerous steep curves.
62. The financial and energy use implications should also be considered. There are 214 post office boxes at the Clarksville Post Office. If we assume that 100 (approximately half) of those box holders will choose post office boxes at Feura Bush, and if we assume that, on average, they will travel an additional 10 miles per day to access their mail, that is an additional 1000 miles of driving per day, or based upon 250 days per year (based upon a five day week - excluding Saturday mail pickup), 250,000 miles per year. At an average fuel consumption of 25 miles per gallon, this is equivalent to the use of an additional 40 gallons per day of gasoline or 10,000 gallons per year. At four dollars per gallon, this is a total expense to the community, for gasoline alone, of over \$40,000 per year. If the true cost per mile, figured at the Internal Revenue Service allowed rate of \$.55 per mile, is measured rather than the cost for gasoline alone, this is equivalent to \$137,500 per year for driving expenses.
63. The environmental impacts of this fuel use, and the significant economic expense to the community were not considered by the USPS.

## **Inadequacy of Postal Service review of closing**

### **Inaccurate analysis of questionnaires**

64. The USPS prepared a Postal Service customer questionnaire analysis, which analyzed the questionnaires that it received prior to and at the May meeting. According to this analysis, of the 97 questionnaires that were returned, 11 were favorable to the "proposed alternate service," 33 expressed no opinion, and 53 were unfavorable, which is approximately a 5:1 ratio of unfavorable to favorable responses.
65. However, closer examination of these questionnaires indicates that the percentage of "unfavorable" responses (i.e. people who did not want to see the Clarksville Post Office closed) was actually higher.
66. The statistics appear to be based on the answer to Questions 3 which offered the choices of "Better," "Just as Good," "No Opinion" of "Worse" when comparing the proposed service to the existing service.
67. Of the 11 responses considered favorable by the USPS, only five had chosen "Better" while 6 had chosen "Just as Good," and should have been considered expressing no opinion. This changes the results to 5 favorable and 53 unfavorable, or approximately a 10:1 ratio.
68. This statistic also failed to take into consideration those surveys where no boxes were checked in response to Question 3, but contained obviously negative comments including pleas not to close the Post Office.
69. An additional 17 questionnaires were returned during the 60 day notice period from May 17 through July 18, 2011. According to the USPS, 12 of these questionnaires included "unfavorable comments" and five were described as "no opinion expressed." Again, the

statistical analysis of the USPS is suspect. Petitioners respectfully maintain that a true analysis would indicate that the comments that were received were unanimously opposed to the closing of the Post Office.

70. Furthermore, the questionnaires themselves, and the stock pro forma answers prepared by the USPS in response to the concerns raised on the questionnaires indicate that the USPS was simply trying to use these questionnaires as a means to justify its preordained decision to close the Clarksville Post Office.

71. The questions on the questionnaire obfuscated the plain and simple fact that the closure of the Post Office would have a clear negative impact by asking questions that were designed to elicit either extraneous and useless information, or to elicit non-negative responses with respect to the prospective closure of the Post Office.

72. Furthermore, the responses to the concerns raised by questionnaires were form responses. Every individual who returned a questionnaire raising a particular issue received the same form response. Individual issues and concerns, raised on the questionnaires were, for the most part, not considered by the USPS or, at the very least, were plainly not referenced in the USPS answers.

73. It was only when individuals did not use the questionnaire form, but submitted actual comments, that the USPS responded to them in an individualized matter. For example, Peter Henner, one of the petitioners in this proceeding, submitted a letter describing the impacts of the prospective closure. He received an individualized response from the USPS.

### **Financial analysis**

74. The USPS estimates a total annual savings of \$26,521 as a result of the closing of the Clarksville Post Office.
75. This estimate is based upon the avoiding of \$58,951 in annual costs, minus \$32,430 in replacement costs.
76. The largest cost which will be saved is the \$36,381 of postmaster salary plus \$12,188 of fringe benefits, for a total of \$48,569.
77. However, it should be noted that the postmaster position became vacant on March 31, 2010, and the Post Office has filled this position on a temporary basis by an OIC since then.
78. Indeed, had the postmaster not retired, the USPS would not have even performed the review, which the USPS now is utilizing to justify its determination to close the Post Office.
79. In any event, the estimated savings of \$26,000 should be weighed against the costs that will be incurred by the entire community as a result of the closing of the Clarksville Post Office (cf. an estimated cost of \$137,500 for mileage alone to drive to Feura Bush (see ¶ 62 above)).

### **Analysis of the functioning of the Clarksville Post Office**

80. The USPS has made certain conclusions with respect to the workload of the Post Office. These conclusions are based upon a survey of retail transactions and an analysis of mail sent and received during a two-week period.
81. The two-week period selected was March 5 through March 20, 2011. Upon information and belief, this is a relatively slow time of the year. Had the survey been done during a

busier time of year, such as the months before Christmas, the USPS would have obtained radically different results with respect to the volume of mail and business activity at the Post Office.

82. The USPS file contains a memorandum dated March 25, 2011, where the OIC was directed to "provide the names and addresses of businesses, religious institutions, civic organizations and local government offices and schools that are served by the Clarksville Post Office. The list of businesses should include small, part-time and in-home businesses, as well as public institutions, such as schools, police departments, etc., religious institutions and businesses physically located outside the community that use retail services on a routine basis at the Clarksville Post Office." The bottom of the memorandum contains a "comment" section, which has a list of businesses.
83. The only businesses identified on the March 25 document were: "Super Oil," "Master Seal of Albany," "matt's sons industrial," "Heldebrugh siding," Clarksville elemnetry school," "Dunsten Painting," "Onesquethan fire co.," and Clarksville Community churc." (sic).
84. However, as noted in ¶¶ 49-51 above, there are many more businesses, not-for-profit organizations, civic organizations and religious institutions that rely upon the Clarksville Post Office. Many of these businesses and institutions submitted questionnaires and comments during the comment period and at the public hearing.
85. Nevertheless, in the "Effect on Community" section of the final determination, the USPS ignored the fact that, as demonstrated by the public comments, there were many other organizations, businesses and institutions in addition to those identified in the original memorandum of March 25.



86. The Community Survey Sheet dated 03/29/2011 asks which non-postal services are provided by the Post Office (e.g. public bulletin board, school bus stop, community meeting location...) The answer to this question is incorrectly stated as "none." However, there is a large, well used bulletin in the lobby of the Post Office, containing information about community events, meetings and even announcements about lost (and then recovered) farm animals.
87. Contrary to the stated "none," the Post Office is indeed used as a meeting place. As described in the questionnaires and at the meeting, post office customers rely upon the post office as a place where they can expect to see other members of the community.
88. In short, it appears that the USPS did not consider the input that it received from the community, and particularly from business and civic organizations, regarding the fact that the community was far more economically and socially active than it believed, and that the impacts of the closure would be far more severe than the USPS wanted to acknowledge.

### **Legal obligations of the USPS**

89. 39 U.S.C. § 404 (d) (2) (A) requires the USPS to consider five factors before making a determination to close or consolidate a post office. Of particular concern to Clarksville, the USPS is required to consider 1. "the effect of such closing or consolidation on the community served by such post office... 3) whether such closing or consolidation is consistent with the policy of the government as stated in § 101 (b) of this title..."
90. 39 U.S.C. § 101 (b) specifically requires the USPS to "provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for

operating a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities."

91. The USPS determination to close the Clarksville post office is in derogation of the USPS' obligations under §§ 404 (d) and 101 (b) because the USPS failed to consider the impact of the closing on the Clarksville community, and because such closing is contrary to the USPS' obligation to maintain effective postal services to rural communities and small towns, even if, as the USPS claims, the Clarksville Post Office is actually operating at a deficit.

**The Commission should overturn the determination of the USPS**

92. Section 404 (d) (5) requires the Postal Review Commission to set aside any determination, findings and conclusions that are "a) arbitrary capricious abuse of discretion or otherwise not in accordance with the law, and... c) unsupported by substantial evidence on the record."
93. The determination by the USPS to close the Clarksville Post Office is arbitrary, capricious and not justified by the record, because the USPS has not considered the impacts upon the community, particularly with respect to the hardships that will be caused to individuals, businesses and civic organizations.
94. Furthermore, the USPS has failed to act in accordance with its obligations under 39 U.S.C. § 101 (b), because it has assumed and has concluded that the closure of the post office is justified because it is allegedly not self-sustaining, even though such a basis for closure is statutorily prohibited.
95. Finally, the determination to close the post office is not supported by substantial evidence, because the impacts upon businesses and civic organizations were not

considered; even when relevant issues were identified in the review process with respect to businesses and civic organizations, such issues were completely ignored and disregarded in the final determination.

**Motion to keep the Clarksville Post Office open pending the determination of this appeal**

96. Although the USPS cannot take any action to close the Clarksville Post Office until 60 days after its final determination was made, that 60 day period will expire on October 22, 2011 (39 U.S.C. § 404 (d) (4)).
97. The closing of the Post Office will have an immediate and severe impact upon the community. Individuals and businesses that rely upon a post office box will need to make immediate arrangements for an alternative post office box. Those choosing to switch to rural delivery will have to make appropriate arrangements, including the construction and installation of mailboxes, possibly including security features.
98. Furthermore, once delivery to the Clarksville Post Office has stopped, it will be difficult to restart it. The OIC will be reassigned, the USPS may surrender its lease on the existing facility and, at the very least, there will be a loss of continuous mail service to the Post Office.
99. Therefore, petitioners respectfully urge the commission to "suspend the effectiveness of the determination of the Postal Service [to close the Clarksville Post Office] until the final disposition of [this] appeal," pursuant to 39 U.S.C. § 404 (d) (5).

**Wherefore**, petitioners respectfully urge the Postal Review Commission to set aside the determination, findings and conclusions of the USPS to close the Clarksville Post Office, and

further request that the Commission keep the Clarksville Post Office open until this appeal is decided.

Dated: Clarksville, New York  
September 21, 2011

Respectfully submitted,

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**Postal Regulatory Commission**  
**Submitted 9/21/2011 4:11:51 PM**  
**Filing ID: 75960** Date of Posting: 08/23/2011  
**Accepted 9/21/2011**

**Date of Removal: 09/24/2011**

**FINAL DETERMINATION TO CLOSE  
THE CLARKSVILLE, NY POST OFFICE  
AND CONTINUE TO PROVIDE  
SERVICE BY RURAL ROUTE SERVICE**

**DOCKET NUMBER 1358213 - 12041**

## I. RESPONSIVENESS TO COMMUNITY POSTAL NEEDS

The Postal Service is issuing the final determination to close the Clarksville, NY Post Office and provide delivery and retail services by rural route service under the administrative responsibility of the Feura Bush Post Office, located five miles away.

The postmaster position became vacant when the postmaster retired on March 31, 2010. Since the postmaster vacancy an OIC has been installed to operate the office. Postmaster level and office service hours are determined by a workload analysis which includes the number of deliveries and revenue.

The office was studied for possible closing or consolidation due to the following reasons: Office is currently vacant; management initiated study to determine if regular and effective service can be provided through alternate means. Feura Bush Post Office is 5 miles away

The Clarksville Post Office, an EAS-13 level, provides service from 07:30 to 11:30 and 13:00 to 16:45 Monday - Friday, 09:00 to 11:00 Saturday and lobby hours of 07:30 to 17:00 on Monday - Friday and 08:00 to 11:30 on Saturday to 214 post office box or general delivery customers and no delivery customers. Retail services included the sale of stamps, stamped paper, and money orders; special services such as Registered Mail, Certified Mail, Insured Mail, COD Mail, and Express Mail services; and the acceptance and dispatch of all classes of mail.

The retail window averaged 31 transaction(s) accounting for 32 minute(s) of retail workload daily. With minimal workload, the Postal Service feels that effective and regular service will be provided by rural route service. Office receipts for the last 3 years were: \$80,569 (210 revenue units) in FY 2008; \$74,195 (194 revenue units) in FY 2009; and \$65,391 (171 revenue units) in FY 2010. There were one permit mailer(s) or postage meter customer(s).

On May 02, 2011, representatives from the Postal Service were available at Clarksville Community Church (Reformed), 1997 Delaware Turnpike, Clarksville, NY 12041 to answer questions and provide information to customers. 63 customer(s) attended the meeting.

On April 22, 2011, 214 questionnaires were distributed to delivery customers of the Clarksville Post Office. Questionnaires were also available over the counter for retail customers at the Clarksville Post Office. 97 questionnaires were returned. Responses regarding the proposed alternate service were as follows: 11 favorable, 53 unfavorable, and 33 expressed no opinion.

When this final determination is implemented, delivery and retail services will be provided by the Feura Bush Post Office, an EAS-15 level office. Window service hours at the Feura Bush Post Office are from 08:30 to 11:30 and 13:00 to 16:45, Monday through Friday, and 09:00 to 11:00 on Saturday. There are 137 post office boxes available.

The proposal to close the Clarksville Post Office was posted with an invitation for comment at the Clarksville Post Office and Feura Bush Post Office from May 17, 2011 to July 18, 2011. The following additional concerns were received during the proposal posting period:

**1. Concern:**

Customer concerned that frequently this PO Box doesn't have room for a single day's mail. Wonder if the USPS has allowed for the cost of handling the overflow of mail if new location is visited less frequently.

**Response:**

Across the U.S., Postal Service™ PO Boxes are available in five sizes. However, not all Post Office locations have every size. Be sure to select the right size for your mail volume and schedule. Our smallest box (Size 1) fits 10–15 letter-sized envelopes or up to two rolled magazines. Start with a Size 2 box if you receive more than 15 mailpieces a week. Size 3, 4, or 5 is recommended if you receive magazines and catalogs. **ACCUMULATED MAIL** We encourage you to empty your box regularly. You can make a special arrangement with the postmaster if you are not able to pick up your mail. Complete PS Form 8076, Authorization to Hold Mail, or create your request online at [usps.com](http://usps.com), and we'll take care of it. Hold Mail orders are good for only 30 days. If the volume of your incoming mail repeatedly exceeds the capacity of the box you are using, we may require that you use Business Pickup (Caller) Service, change to a larger box (and pay the applicable fees), or apply for one or more additional boxes. Your service may also be suspended.

**2. Concern:**

Customer expressed a concern about their 911 address.

**Response:**

911 addresses are generally given by the county's 911 coordinator. The Postal Service does not establish 911 addresses. Any questions concerning your 911 address should be directed to the county's 911 coordinator

**3. Concern:**

Customers expressed concern over the apparent lack of interest by the Postal Service for the needs of the community

**Response:**

The Postal Service is required to provide each community with regular and effective service, using the most cost efficient means possible. The proposed alternate delivery service will meet the mailing and service needs of the community in a more cost effective manner.

**4. Concern:**

Customers expressed concern over the dependability of rural route service.

**Response:**

Rural letter carriers perform a vital function in the United States Postal Service serving thousands of families and businesses in rural and suburban areas while traveling millions of miles daily. Rural letter carriers are highly respected by the American public. This respect has been earned by many years of dedication to the Postal Service and to postal customers. During national and local emergencies, including prolonged periods of extreme weather conditions, rural carriers have demonstrated great responsibility in providing mail service to postal customers. Rural carriers are required to serve the route expeditiously each day.

The following nonpostal concerns were expressed from questionnaires, the community meeting, on the petition, and on the congressional inquiry:

**1. Concern:**

Customer expressed a concern about package delivery and pickup.

**Response:**

Rural carriers will deliver packages that fit in your rural mail box, if the package does not fit in the mail box, the carrier will deliver the package up to ½ mile off of the line of travel, at a designated place, such as on your porch or under a carport. For carrier pick up of packages, you can contact the Feura Bush Post Office, letting the carrier know that you have a package available for pick up. The carrier can deviate from the line of travel in order to receive packages. The rural carrier will accept letters, flats or packages up to 13 ounces for mailing. The carrier will estimate the cost and provide a receipt for any money received. On the following delivery day the carrier will provide change or a bill for the amount over the estimate. Packages over 13 ounces may be picked up if the postage was printed online or with a traceable meter.

**2. Concern:**

Customers asked why their post office was being discontinued while others were retained

**Response:**

Post offices are reviewed on a case-by-case basis. When there is a vacancy in a small office, it is customary to conduct a study of the business activity and investigate the feasibility of providing service by alternate means.

**3. Concern:**

Customers expressed concern about having to erect a rural mailbox

**Response:**

Customers are not required to erect rural mailboxes. Customers may receive PO Box service from the administrative Post Office located 5 miles away.

**4. Concern:**

Customers questioned the economic savings of the proposed discontinuance

**Response:**

Carrier service can be and, in this case, is more cost-effective than maintaining a postal facility and a postmaster position. The Postal Service estimates an annual savings with this change.

**5. Concern:**

Customers were concerned about a change of address

**Response:**

Customers who retain their PO Box or currently have street delivery WILL NOT be required to change their address. ONLY customers electing to close their PO Box and begin street delivery would be required to change their address, if a final determination is made to close or consolidate this office.

**6. Concern:**

Customers were concerned about mail security

**Response:**

Customers may place a lock on their mailboxes. The mailbox must have a slot large enough to accommodate the customer's normal daily mail volume. The Postal Service does not open mailboxes which are locked and does not accept keys for this purpose.

7. **Concern:**

Customers were concerned about obtaining services from the carrier

**Response:**

Retail services provided at the post office are available from the carrier. Most transactions do not require meeting the carrier at the mailbox. Stamps by Mail and Money Order Application forms are available for customer convenience. Listed below are some services available from the carrier and how to obtain them.

#### **PURCHASING STAMPS BY MAIL**

The Stamps by Mail Program provides customers the opportunity to purchase stamps, envelopes, and postal cards by using Form 3227-R, Stamp Purchase Order (Rural), available from the post office or the carrier. Commemorative stamps and stamp collecting products are also available. The customer addresses the postage paid order form envelope, encloses payment by personal check or postal money order made payable to the US Postal Service, and mails the form (postage-free) or leaves it in the mailbox for the carrier to pick up. Most orders are processed overnight, and some immediately.

#### **PURCHASING POSTAL MONEY ORDERS**

Customers may purchase money orders by meeting the carrier at the mailbox, completing an application, and paying the carrier (in cash) the price of the money order, plus the fee. The carrier gives the customer a receipt for the application. The money order is completed when the carrier returns to the post office, and a money order receipt is left in the customer's mailbox on the next delivery day. Most customers provide the carrier with a stamped, self-addressed envelope in which the completed money order is mailed to its destination. If customers prefer, the completed money orders will be returned for verification on the next delivery day.

#### **SPECIAL SERVICES**

Special services such as certified, registered, Express Mail, delivery confirmation, signature confirmation, and COD may be obtained from the carrier by leaving a note in the mailbox, along with the appropriate payment. The carrier will provide the services that day and leave a customer receipt in the mailbox on the next delivery day.

#### **HOLDING MAIL**

Customers who will be away for an extended time, such as a vacation, may request that their mail be held at the post office during their absence. Upon return the customer asks the post office to resume delivery.

8. **Concern:**

Customers were concerned about senior citizens

**Response:**

Carrier service is beneficial to many senior citizens and those who face special challenges because the carrier can provide delivery and retail services to Customers do not have to make a special trip to the post office for service. Special provisions are made for hardship cases or special customer needs. To request an exception for hardship delivery, customers may contact the administrative postmaster for more information.

9. **Concern:**

Customers were concerned about the mailboxes being damaged by snowplows

**Response:**

Please contact the administrative postmaster to determine the proper mailbox location and installation method that would help alleviate this concern. Placing the mailbox on a long, swinging, horizontal pipe is one method often used to avoid damage by snowplows.

10. **Concern:**

You were concerned about having to travel to another post office for service

**Response:**

Services provided at the post office will be available from the carrier, and customers will not have to travel to another post office for service. Most transactions do not require meeting the carrier at the mailbox. Stamps by Mail and Money Order Application forms are available for customer convenience.



11. **Concern:** Customers expressed concern for those customers with disabilities who are not able to go to adminoffice Post Office to pick up their mail
- Response:** The customer expressed a concern about those customers with disabilities who are not able to go to the post office to pick up their mail. Customers are not required to travel to another post office to receive mail or obtain retail services. These services will be provided by the carrier to a roadside mailbox located close to customers' residences. In hardship cases, delivery can be made to the home of a customer. Changes in the type of delivery are considered where service by existing methods would impose an extreme physical hardship for an individual customer. Any request for a change in delivery method must be submitted in writing to the administrative postmaster.
12. **Concern:** Customers felt the cost of postage was increasing while service was decreasing
- Response:** The customer expressed a concern about the increasing cost of postage while service was decreasing. The Postal Service is not immune to rising costs affecting every family and business. We do not receive tax dollars to cover the cost of operations and must adjust our prices to cover our costs. The Postal Service Governors are responsible for approving prices for all Postal Service products and services. For mailing services prices, such as stamp prices, the Postal Service announces the new prices each February and they become effective each May. The Postal Regulatory Commission (PRC) reviews the new pricing for compliance with the price cap and other provisions of the Postal Act of 2006.
13. **Concern:** Customers were concerned about a change of ZIP Code
- Response:** The customer expressed a concern about a change of ZIP Code. The proposed change of the ZIP Code is necessary due to 911 addressing requirements.
14. **Concern:** Customers were concerned about having to make an address change on their bank checks and stationery
- Response:** Customers who retain their PO Box or currently have street delivery WILL NOT be required to change their address. ONLY customers electing to close their PO Box and begin street delivery would be required to change their address, if a final determination is made to close or consolidate this office.
15. **Concern:** Customers were concerned about later delivery of mail
- Response:** The customer expressed a concern about delivery time. A customer's location on a carrier's line of travel determines the time of day mail is delivered. This, of course, precludes providing early delivery of mail to every customer because, no matter how we structure a route, somebody must be last. We do, however, carefully consider the volume of mail for each route so that we can deliver the greatest amount of mail at the earliest possible hour. With the largest fleet of delivery vehicles in the world we must pay special attention to energy conservation measures, to minimize vehicle and fuel expenses. When the price of gasoline goes up one cent per gallon our total gasoline cost rises more than \$8 million. Therefore, when structuring a route, we must balance our goal to deliver as much mail as possible as early as possible with the need to minimize the travel distance a route must cover.
16. **Concern:** Customers were concerned about obtaining accountable mail and large parcels
- Response:** The customer expressed a concern about obtaining accountable mail and large parcels. If you live less than one-half mile from the line of travel, the carrier will attempt delivery of accountable items and large parcels to the customer's residence. If the live over one-half mile away or is not home when delivery is attempted, a notice will be left in the mailbox. Large parcels will be left outside the mailbox or at a designated location or a notice will be left in the mailbox. Attempted delivery items will be taken back to the administrative Post Office. Customers may pick up the item at the post office, request redelivery on another day or authorize delivery to another party.

**17. Concern:**

Customers were concerned about the limited hours of operation at the post office

**Response:**

The customer expressed a concern about the limited hours of operation at the post office. Postmaster level and office service hours are determined by a workload analysis which includes the number of deliveries and revenue. A workload analysis conducted indicated the office had declined from an EAS- to an EAS- level office, qualifying for hours of service per week. The CPO will provide at least the same number of window service hours as the post office.

**Some advantages of the proposal are:**

1. The rural and contract carriers may provide retail services, alleviating the need to go to the post office. Stamps by Mail order forms are provided for customer convenience.
2. Customers opting for carrier service will have 24-hour access to their mail.
3. Savings for the Postal Service contribute in the long run to stable postage rates and savings for customers.
4. CBU's can offer the security of individually locked mail compartments. Parcel lockers provide convenient parcel delivery for customers.
5. Customers opting for carrier service will not have to pay post office box fees.
6. Saves time and energy for customers who drive to the post office to pick up mail.

**Some disadvantages of the proposal are:**

1. The loss of a retail outlet and a postmaster position in the community. Retail services may be provided by the rural or contract delivery carrier.
2. Meeting the rural or contract delivery carrier at the box to transact business. However, it is not necessary to be present to conduct most Postal Service transactions.
3. A change in the mailing address. The community name will continue to be used in the new address. A carrier route address will be assigned.

Taking all available information into consideration, the Postal Service concludes this final determination will provide a maximum degree of effective and regular postal services to the community.

## **II. EFFECT ON COMMUNITY**

Clarksville is an unincorporated community located in ALBANY County. The community is administered politically by New Scotland. Police protection is provided by the Albany County Sheriff. Fire protection is provided by the Onnesquethan Fire Co.. The community is comprised of retirees, self-employed and those who commute to work at nearby communities and may work in local businesses.

Businesses and organizations include: Clarksville Elementary School Clarksville Community Church, Super Oil, Master Seal of Albany, Matt's Sons industrial, Heldeburgh Siding, Dunsten Painting, Onnesquethan Fire Co. . Residents may travel to nearby communities for other supplies and services.

Nonpostal services provided at the Clarksville Post Office will be available at the Feura Bush Post Office. Government forms normally provided by the Post Office will also be available at the Feura Bush Post Office or by contacting your local government agency.

The following nonpostal concerns were expressed from questionnaires, the community meeting, on the petition, and on the congressional inquiry:

**1. Concern:**

Customers expressed concern for loss of community identity

**Response:**

A community's identity derives from the interest and vitality of its residents and their use of its name. The Postal Service is helping to preserve community identity by continuing the use of the Feura Bush Post Office name and ZIP Code in addresses and in the National Five-Digit ZIP Code and Post Office Directory.

**2. Concern:**

Customers questioned the economic savings of the proposed discontinuance

**Response:**

Carrier service can be and, in this case, is more cost-effective than maintaining a postal facility and a postmaster position. The Postal Service estimates an annual savings with this change.

**3. Concern:**

Customers were concerned about growth in the community

**Response:**

The customer expressed a concern about growth in the community. The growth of a community does not depend on the location of a post office. Based on information obtained by the Postal Service, it was determined that there has been minimal growth in the area in recent years. Carrier service will be able to accommodate future growth.

**4. Concern:**

Customers were concerned about the loss of a gathering place and an information center.

**Response:**

Residents may continue to meet informally, socialize, and share information at the other businesses, churches and residences in town.

Based on the information obtained in the course of this discontinuance study, the Postal Service concludes this final determination will not adversely affect the community.

### **III. EFFECT ON EMPLOYEES**

The postmaster position became vacant when the postmaster retired on March 31, 2010. The noncareer postmaster relief (PMR) may be separated from the Postal Service. No other Postal Service employee will be adversely affected. Since the postmaster vacancy an OIC has been installed to operate the office.

### **IV. ECONOMIC SAVINGS**

The Postal Service estimates an annual savings of \$ 26,521 with a breakdown as follows:

Postmaster Salary (EAS-13, No COLA)	\$ 36,381
Fringe Benefits @ 33.5%	\$ 12,188
Annual Lease Costs	<u>+ \$ 10,382</u>
Total Annual Costs	\$ 58,951
Less Annual Cost of Replacement Service	<u>- \$ 32,430</u>
Total Annual Savings	<u>\$ 26,521</u>

### **V. OTHER FACTORS**

The Postal Service has identified no other factors for consideration.

## VI. SUMMARY

This is the final determination to close the Clarksville, NY Post Office and provide delivery and retail services by rural route service under the administrative responsibility of the Feura Bush Post Office, located five miles away.

The postmaster retired on March 31, 2010. If the office has a noncareer PMR(s), they may be separated from the Postal Service; however, attempts will be made to reassign the employee(s) to a nearby facility. No other employee(s) will be adversely affected. The workload has declined. Effective and regular service will continue to be provided by rural route service.

The Clarksville Post Office provided delivery and retail service to 214 PO Box or general delivery customers and no delivery route customers. The daily retail window transactions averaged 31. There are one permit mailers or postage meter customers.

There will no longer be a retail outlet in the community. However, delivery and retail services may be available from a rural or contract delivery carrier, which could alleviate the need to travel to a Post Office for service. The Postal Service will save an estimated \$26,521 annually. A disadvantage to some will be in meeting the rural or contract delivery carrier to transact business. However, it is not necessary to be present to conduct most Postal Service transactions with rural or contract delivery carrier.

Taking all available information into consideration, the Postal Service has determined that the advantages outweigh the disadvantages and this final determination is warranted.

## VII. NOTICES

- A. **Support Materials.** Copies of all materials upon which this final determination is based are available for public inspection at the Clarksville Post Office and Feura Bush Post Office during normal office hours.
- B. **Appeal Rights.** This final determination to close the Clarksville Post Office may be appealed by any person served by that office to the Postal Regulatory Commission at 901 New York Ave NW, Suite 200, Washington DC 20268-0001. Appeals must be received by the Commission within 30 days of the date this final determination is posted. If an appeal is filed, copies of appeal documents prepared by the Postal Regulatory Commission or the parties to the appeal will be made available for public inspection at Clarksville Post Office and Feura Bush Post Office during normal office hours.



Dean J Granholm  
Vice President of Delivery and Post Office Operations

08/19/2011

Date